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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/243,701 02/02/99 NEEDHAM

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EXAMINER

WM01/0206

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ART UNIT

PAPER NUMBER

2681

DATE MAILED:

02/06/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/243,701

Applicant(s)

Needham et al.

Examiner

Temica M. Davis

Group Art Unit
2681



☒ Responsive to communication(s) filed on Nov 20, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1-25 and 27-29 is/are pending in the applicat

Of the above, claim(s) _____ is/are withdrawn from consideration

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-25 and 27-29 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

Art Unit: 2681

DETAILED ACTION

Reassignment Affecting Application Location

1. The art unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to art unit 2681.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

3. Claims 22-25 and 27-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Fleck et al (Fleck), U.S. Patent No. 6,012,012.

Regarding claim 22, Fleck discloses a processor based system mountable in a vehicle, the system comprising inherently a processor, a position locating device coupled to said processor and a transmitter adapted to transmit requests (e.g. direct instructions, col. 3, lines 18-22) for information with appended position information as evidenced by the fact that the terminal is able to send messages regarding its position (col. 6, lines 36-40), and wherein said

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processor sorts received information based on appended position information and identifies that information when the vehicle is proximate to a location associated with the information (col. 5, lines 17-55, col. 6, lines 22-34).

Regarding claim 23, Fleck discloses the system of Claim 22 wherein said transmitter is inherently a radio frequency transceiver as evidenced by the fact that the transmitter is in a cellular environment (col. 5, line 66-col. 6, line 10; figure 4).

Regarding claim 24, Fleck discloses the system of Claim 22 wherein said transmitter is adapted to append compass information (e.g. position coordinates related to the direction of travel) (col. 5, line 66-col. 6, line 3).

Regarding claim 25, Fleck discloses the system of claim 22 wherein said system is adapted to receive information previously transmitted and stored and then relayed to the vehicle, based on the vehicle's position (col. 6, lines 22-34, col. 7, lines 8-26; figure 1).

Regarding claim 27, Fleck discloses the system of Claim 22 wherein inherently, the transmitter is adapted to append information that identifies the transmitter as evidenced by the fact the base station knows the position of the vehicle carrying the terminal and can receive and transmit information from and to the terminal in the vehicle (col. 5, line 66-col. 6, line 3).

Regarding claim 28, Fleck discloses the system of Claim 22 adapted to transmit audio (acoustic information) files (col. 6, lines 22-35).

Regarding claim 29, Fleck discloses the system of Claim 22 adapted to receive audio (acoustic information) files (col. 6, lines 22-35).

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Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fleck et al (Fleck), U.S. Patent No. 6,012,012 and well known prior art.

Regarding claim 1, Fleck discloses a method of obtaining information comprising developing a signal indicative of a vehicle's position, transmitting said signal to a base station; and receiving information stored at a service center via the base station associated with the vehicle's position (col. 5, line 60-col. 6, line 3, col. 7, lines 8-26).

Fleck, however, fails to specifically disclose wherein the information associated with the mobile's position is stored in the base station.

The examiner contends that the entity which stores this desired information is a design preference and lacks criticality in view of the overall function of the system, and further, it is well known in the art that base stations can store position information.

Therefore, at the time of invention, it would have been obvious to a person of ordinary skill in the art to modify the teachings of Fleck as this limitation would have been a design preference based on the desired outcome of the designer of the system.

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Regarding claim 2, the combination of Fleck and well known prior art discloses the method of Claim 1 as described, wherein receiving information includes receiving an audio file (acoustic information) (col. 6, lines 20-27).

Regarding claim 3, the combination of Fleck and well known prior art discloses the method of Claim 2, further including developing a signal indicative of the direction of travel of the vehicle and transmitting said signal to a base station (col. 5, line 66-col. 6, line 3).

Regarding claim 4, the combination of Fleck and well known prior art discloses the method of Claim 2 further including transmitting a message to said base station and automatically appending position information on said message (col. 5, line 66-col. 6, line 3).

Regarding claim 5, the combination of Fleck and well known prior art discloses the method of Claim 4 further including inherently automatically appending a vehicle identifier on said message as evidenced by the fact the base station knows the position of the vehicle carrying the terminal and can receive and transmit information from and to the terminal in the vehicle (col. 5, line 66-col. 6, line 3).

Regarding claim 6, the combination of Fleck and well known prior art discloses the method of Claim 2 as described above.

The combination, however, fails to specifically disclose automatically playing said audio file over the vehicle's sound system.

The examiner, however, contends that this limitation lacks criticality in view of the overall invention played over a vehicle's sound system.

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Therefore, at the time of invention, it would have been obvious to a person of ordinary skill in the art to modify the teachings of Fleck as this limitation would have been a design preference based on the desired outcome of the designer of the system.

Regarding claim 7, the combination of Fleck and well known prior art discloses the method of claim 1 as described above including causing a vehicle based processor to identify (e.g. visually or acoustically) information received from the base station associated with the vehicle's position (col. 6, lines 22-34).

Regarding claim 8, the combination of Fleck and well known prior art discloses the method of claim 1 as described above including displaying information about locations that have associated information (col. 6, lines 22-34).

Regarding claim 9, Fleck discloses an article comprising a medium for storing instructions that cause a processor-based system to develop a signal indicative of a vehicle's position, transmitting said signal to a base station; and receiving information stored at a service center via the base station associated with the vehicle's position (col. 5, line 60-col. 6, line 3, col. 7, lines 8-26).

Fleck, however, fails to specifically disclose wherein the information associated with the mobile's position is stored in the base station.

The examiner contends that the entity which stores this desired information is a design preference and lacks criticality in view of the overall function of the system, and further, it is well known in the art that base stations can store position information.

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Therefore, at the time of invention, it would have been obvious to a person of ordinary skill in the art to modify the teachings of Fleck as this limitation would have been a design preference based on the desired outcome of the designer of the system.

Regarding claim 10, the combination of Fleck and well known prior art discloses the article of Claim 9 as described above further storing instructions that cause a processor-based system to receive an audio file (col. 6, lines 22-34).

Regarding claim 11, the combination of Fleck and well known prior art discloses the article of Claim 9 as described above, further storing instructions that cause a processor-based system to develop a signal indicative of the direction of travel of the vehicle (col. 5, line 66-col. 6, line 3, col. 7, line 8-26).

Regarding claim 12, the combination of Fleck and well known prior art discloses the article of Claim 9 as described above further storing instructions that cause a processor-based system to transmit a message to said base station and automatically append position information on said message (col. 5, line 66-col. 6, line 3, col. 7, line 8-26).

Regarding claim 13, the combination of Fleck and well known prior art discloses the article of Claim 12 further storing instructions that cause a processor-based system to inherently automatically append a vehicle identifier on said message as evidenced by the fact the base station knows the position of the vehicle carrying the terminal and can receive and transmit information from and to the terminal in the vehicle (col. 5, line 66-col. 6, line 3).

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Regarding claim 14, the combination of Fleck and well known prior art discloses the article of Claim 10.

The combination, however, fails to specifically disclose automatically playing said audio file over the vehicle's sound system.

The examiner, however, contends that this limitation lacks criticality in view of the overall invention played over a vehicle's sound system.

Therefore, at the time of invention, it would have been obvious to a person of ordinary skill in the art to modify the teachings of Fleck as this limitation would have been a design preference based on the desired outcome of the designer of the system.

Regarding claim 15, Fleck discloses a server (service center) that receives messages from vehicles and transmits those messages to other vehicles, and a storage medium adapted to store said messages for access based on the position of the vehicle that transmitted the message (col. 5, line 60-col. 6, line 3, col. 7, lines 8-26).

Fleck, however, fails to disclose wherein the server (service center) receives audio messages from the vehicles.

The examiner, contends, however, that it is well known for servers to receive audio information from vehicles, and that the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Fleck with the teachings of well known prior art for the purpose of being able to accommodate a voice/speech message sent from a user designated for another user in the system.

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Regarding claim 16, the combination of Fleck and well known prior art discloses the system of Claim 15 wherein said messages include appended vehicle position information (col. 5, line 66-col. 6, line 3).

Regarding claim 17, the combination of Fleck and well known prior art discloses the system of Claim 16 wherein said messages include appended vehicle direction information (col. 5, line 66-col. 6, line 3).

Regarding claim 18, the combination of Fleck and well known prior art discloses the system of Claim 15 wherein inherently including a radio frequency transmission device as evidenced by the fact that the transmission device is in a cellular environment (col. 5, line 66-col. 6, line 10; figure 4).

Regarding claim 19, the combination of Fleck and well known prior art discloses the system of Claim 18 including a cellular telephone link (col. 5, line 66-col. 6, line 10; figure 4).

Regarding claim 20, the combination of Fleck and well known prior art discloses the system of Claim 15 adapted to time stamp said messages (col. 5, lines 5-10; figure 5).

Regarding claim 21, the combination of Fleck and well known prior art discloses the system of Claim 20.

The combination, however fails to disclose adapting to discard messages based on their time stamp.

However, the examiner contends that it would have been obvious to include this limitation, as it is well known in the art to discard information based on its time stamp, and that it

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would have been obvious to a person of ordinary skill in the art to modify Fleck with these teachings for the purpose of keeping only current information related to the position of a vehicle.

Response to Arguments

6. Applicant's arguments filed November 20, 2000 have been fully considered but they are not persuasive.

Applicant argues that Fleck does not disclose or suggest a system that can collect and store information about proximate events that are occurring and that the collected information can later be provided to other vehicles whose positions match the position identifiers associated with the collected information.

The examiner respectfully disagrees. Fleck specifically discloses that information such as traffic events or traffic information is recorded together with a location identifier, and that this information is transmitted to other mobiles (see abstract). Fleck also discloses wherein certain road conditions (e.g. traffic or accidents) are stored in a dynamic database (col. 5, lines 40-43), wherein this information is transmitted back to mobile units in the vicinity of the road conditions (col. 5, lines 40-65).

Applicant also argues that Fleck does not specifically disclose a base station used for storing this information. The examiner does agree, however, as stated before, the examiner believes that the entity that stores this information is a design preference, and that the primary function of the applicant's invention is meant in Fleck, which is to transmit stored information

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(e.g. traffic or accidents) relevant to a particular mobile whose direction of travel is in the path or vicinity of the traffic or accident. Although Fleck shows that this information is stored in a historical/dynamic database in the service center (figures 1 and 4), the examiner contends that invention appears that it would perform equally well with the base station storing this information.

Further, as requested by the applicant, a reference which substantiates "base stations storing position information has been supplied. The reference was sent with the previous office action, Hyziak et al, U.S. Patent No. 6,125,279 (see specifically col. 3, line 54-col. 4, line 22; figures 2 and 3, item 26).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hyziak, U.S. Patent No. 6,125,279, discloses a method and apparatus for extending coverage in a cellular communication system.

Alanara et al, U.S. Patent No. 6,061,561, discloses a cellular communication system providing cell transmitter location information.

Takaki, U.S. Patent No. 6,029,069, discloses a navigation system using portable phone and navigation method using the same.

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Ito, U.S. Patent No. 5,999,126, discloses a position measuring method, navigation apparatus, navigation method, information service method, automotive vehicle, and audio information transmitting and receiving method.

Schwelb et al, U.S. Patent No. 5,950,123, discloses a cellular telephone network support of audible information delivery to visually impaired subscribers.

Branch et al, U.S. Patent No. 5,760,742, discloses an integrated mobile GIS/GPS/AVL with wireless messaging capability.

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Temica M. Davis whose telephone number is (703) 306-5837. The examiner can normally be reached on Monday-Thursday from 6:30 am to 4:00 pm. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Dwayne Bost, can be reached on (703) 305-4778.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703)305-4700.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 202314

or faxed to:

(703) 308-6306 or (703) 308-6296 (for any communications intended for entry).


Hand-delivered responses should be brought to Crystal Park II, 2121

Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).



Temica M. Davis

January 29, 2001



NAY MAUNG
PRIMARY EXAMINER